

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

BARRY FRANKLIN BRAY, #R6738

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:15-cv-91-DCB-MTP

WILKINSON COUNTY CORRECTIONAL FACILITY, et al.

DEFENDANTS

ORDER OF DISMISSAL FOR DEFENDANT
WILKINSON COUNTY CORRECTIONAL FACILITY

This matter is before the Court for screening as authorized by 28 U.S.C. § 1915. The Court entered an Order [13] on January 26, 2016, directing Plaintiff to provide the name of the proper defendant because Wilkinson County Correctional Facility is not a legal entity. Plaintiff filed his Response [14] on February 22, 2016, adding Management Training Corporation as a defendant and adding to his requested relief.¹ Plaintiff is seeking declaratory, injunctive, and monetary damages. *See* Compl. [1] at 12; Pl.'s Resp. [14-1] .

Having reviewed the Plaintiff's pleadings and applicable law and statutes, the Court has determined that Defendant Wilkinson County Correctional Facility should be dismissed.

Background

Plaintiff states that while housed at the Wilkinson County Correctional Facility in 2006 he accidentally broke his hand on the wall in the gym. Compl. [1] at 11. Plaintiff was later released in 2007, but was once again incarcerated in 2012. *Id.* When he was returned to the custody of MDOC, Plaintiff "had money sent" to his inmate account for commissary. *Id.* "All of the money that has been sent has been taken because of an outstanding debt charged to me by Wilkinson County Corr. Facility in the original amount of \$2,500.00." *Id.* Plaintiff complains

¹The Court construed Plaintiff's Response [14] as an amended complaint. *See* Order [15].

that his Eighth and Fourteenth Amendment rights have been violated by Defendant Management Training Corporation. *See* Am. Compl. [14].

Analysis

The Court finds that at this stage of the screening process Plaintiff has stated an arguable claim against Defendant Management Training Corporation. His claim against that Defendant will be allowed to proceed and a separate order directing process to issue for Defendant Management Training Corporation will be entered. Plaintiff should understand that this Order allowing process to issue against Defendant Management Training Corporation does not reflect any opinion of the Court that the claims contained in the pleadings will or will not be determined to be meritorious.

Wilkinson County Correctional Facility is the name of the facility that is managed by Management Training Corporation, *see* <http://www.mdoc.ms.gov/Institutions/Pages/Private-Prisons.aspx>, not a legal entity subject to a civil action pursuant to 42 U.S.C. § 1983, *see Davis v. Nelson Coleman Correctional Center*, Civ. Action No. 10-2257, 2010 WL 4935304, at *2 (E.D. La. Oct. 29, 2010), adopted, 2010 WL 4931883 (E.D. La. Nov. 30, 2010) (stating that a correctional center is merely a building). Plaintiff therefore cannot maintain this § 1983 civil action against this Defendant. Accordingly, it is hereby

ORDERED AND ADJUDGED, that Wilkinson County Correctional Facility is dismissed with prejudice as a Defendant in this case.

SO ORDERED, this the 25th day of February, 2016.

s/David Bramlette
UNITED STATES DISTRICT JUDGE